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Docket # PF-0247-2 CON

"Express Mail" mailing label number EL 856 153 429 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.110, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on May 4, 2001

By: Nancy Ramos

Printed: Nancy Ramos

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **CONTINUATION** application under 37 CFR 1.53(b) of pending prior application Serial No. 09/183,825, filed on October 30, 1998, which in turn is a divisional of U.S. application Serial No. 08/822,260, filed March 20, 1997, now U.S. Patent No. 5,830,660 both of which are entitled **NOVEL TUMORIGENESIS PROTEIN**.

1. X Enclosed is a specification corresponding to the prior application U.S. Application Serial No. 08/822,260, filed March 20, 1997, now U.S. Patent No. 5,830,660, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant continuation application is identical with the computer readable form filed with Serial No. 08/822,260, filed March 20, 1997, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/822,260 as the computer readable form for the instant continuation application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant continuation application.
3. X Cancel in this application original claims 21-43 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional

13. ☒ Also enclosed Information Disclosure Statement, List of References Cited by Applicants.

14. ☒ The power of attorney of the prior application is to:

Narinder S. Banait
Adam Warwick Bell
Lucy J. Billings
Michael C. Cerrone
Diana Hamlet-Cox
Colette C. Muenzen
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Reg. No. 33,302
Reg. No. 39,784
Reg. No. 42,918
Reg. No. 43,847
Reg. No. 44,316
Reg. No. 43,168

— The associate power of attorney in the prior application is to:

- a. ☒ A Certificate Under 3.73(b), Revocation of Power of Attorney and Appointment of New Attorney is attached.
- b. — Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future correspondence to:

INCYTE GENOMICS, INC.
PATENT DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: May 4, 2001

By:

Susan K. Sather
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- Inventor(s)
— Assignee of complete interest
☒ Attorney or agent of record
— Filed under 37 CFR 1.34(a)
— Registration number if acting under 37 CFR 1.34(a) _____

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By: Nancy RamosPrinted: Nancy Ramos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hillman et al.

Title: TUMORIGENESIS PROTEIN

Serial No.: To Be Assigned

Filing Date: Herewith

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

Official Draftsman

Commissioner for Patents

Washington, D.C. 20231

SUBMISSION OF FORMAL DRAWINGS

Sir:

Transmitted herewith are Figures 1A, 1B, 2, 3A and 3B, as four (4) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the reverse side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. **09-0108**. **A duplicate copy of this communication is enclosed.**

If there are any questions regarding the above, the Examiner is invited to call the undersigned at 650-855-0555.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: May 4, 2001Susan F. Sather

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